

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

COLLEGIATE LICENSING )  
COMPANY, )

Plaintiff, )

v. )

Civil Action File No.  
1:11-CV-03432-TWT

AMERICAN CASUALTY CO. OF )  
READING, PENNSYLVANIA; )  
CONTINENTAL CASUALTY )  
COMPANY; GREAT DIVIDE )  
INSURANCE COMPANY; )  
ALLIED WORLD NATIONAL )  
ASSURANCE COMPANY; )  
WESTCHESTER FIRE )  
INSURANCE COMPANY; and )  
LEXINGTON INSURANCE )  
COMPANY, )

Defendants. )

**CONSENT ORDER OF DISMISSAL WITHOUT PREJUDICE OF  
LEXINGTON INSURANCE COMPANY**

Plaintiff Collegiate Licensing Company and Defendant Lexington Insurance Company agreeing and consenting hereto,

1) Pursuant to Fed. R. Civ. P. 41(a), the action against Lexington Insurance Company is hereby dismissed WITHOUT PREJUDICE;

2) Lexington Insurance Company hereby agrees that it will not initiate offensive litigation over the subject policy, it being further agreed that Collegiate Licensing Company shall as it may deem necessary in the future reassert the claims which are the subject of this action in the United States District Court for the Northern District of Georgia, Atlanta Division. Any such filing by Collegiate Licensing Company shall be without prejudice to the right of Lexington Insurance Company to seek dismissal of the action, or to seek transfer of the action to another court as Lexington Insurance Company may deem appropriate;

3) If the claims against Lexington Insurance Company are reasserted in the future, Lexington Insurance Company agrees to acknowledge service of the Summons and Complaint, and not require personal service on the registered agent of Lexington Insurance Company. Any such acknowledgment of service shall be without prejudice to the right of Lexington Insurance Company to seek dismissal of the action, or to seek transfer of the action to another venue as Lexington Insurance Company may deem appropriate.

4) Each party will bear its own attorneys' fees and costs in this action and will not assert in the future any right against the other party to its fees and costs incurred in the prosecution or defense of this action.

IT IS SO ORDERED.

This 21st day of December, 2011.

/s/Thomas W. Thrash  
Thomas W. Thrash, Jr.  
United States District Judge

CONSENTED TO, this 21<sup>st</sup> day of December, 2011.

s/Brent W. Brougher  
*(by John C. Bonnie with express permission)*  
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*Attorneys for Defendant Lexington  
Insurance Company*

**CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing was prepared using Times New Roman, 14-point, and otherwise conforms with the requirements of Local Rule 5.1.

WEINBERG, WHEELER, HUDGINS,  
GUNN & DIAL, LLC

/s/ John C. Bonnie

John C. Bonnie

**CERTIFICATE OF SERVICE**

This is to certify that on December 21, 2011 I filed the foregoing *Consent Order of Dismissal Without Prejudice of Lexington Insurance Company* with the Clerk of the Court using the CM/ECF system, which will automatically send e-mail notification of such filing to all attorneys of record in this action:

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